



**BY-LAW NO. 426-2024**

**A BY-LAW RESPECTING USE OF AUXILIARIES/VOLUNTEERS**

**1. PREAMBLE**

- 1.1 WHEREAS subsection 37 (1) of the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, (“CSPA”) provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by Section 10 of the CSPA;
- 1.2 AND WHEREAS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;
- 1.3 AND WHEREAS Section 91 of the CSPA addresses the appointment, authority and restrictions in relation to the use of auxiliaries by police services;
- 1.4 AND WHEREAS subsection 11 (3) of the CSPA authorizes a Chief of Police to take reasonable steps to develop partnerships with trained volunteer groups to facilitate operations described in Section 7, 8, 9 and subsection 10 (1) of the CSPA;
- 1.5 AND WHEREAS the Board deems it appropriate that the Chief of Police be permitted to utilize volunteers to assist in non-policing functions in addition to the functions recited above;
- 1.6 AND WHEREAS O. Reg. 392/23: Adequate and Effective Policing (general) prescribes standards for adequacy and effectiveness of police services;
- 1.7 AND WHEREAS Part AI-005 and AI-006 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A and B, contains guidelines directing the Board, the Chief and members relative to the use of auxiliaries and volunteers.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD ENACTS AS FOLLOWS:

**2 DEFINITIONS**

- 2.1 “Act” or “CSPA” means the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, and amendments thereto;
- 2.2 “Auxiliary Member” means a member of a police service appointed under Section 91 of the CSPA;

- 2.3 “Board” means the Regional Municipality of Niagara Police Service Board;
- 2.4 “Chief” means the Chief of the Niagara Regional Police Service;
- 2.5 “Member” means a member of the Niagara Regional Police Service;
- 2.6 “Ministry” means the Ministry of Solicitor General;
- 2.7 “Service” means the Niagara Regional Police Service;
- 2.8 “Volunteer” means those individuals who enter into or offer themselves for any service of their own free will and, in the case of the Service, are designated as community members.

### **3 BOARD POLICY**

- 3.1 Public safety, quality of life, and the prevention of crime are the utmost importance to the Board, and it is therefore the policy of the Board that the use of auxiliaries/volunteers by the Police Service shall be conducted only to accordance with the procedure set out by the Chief of Police as established in accordance with this By-law.

### **4 DIRECTION TO THE CHIEF**

#### **4.1 PROCEDURES**

- 4.1.1 The Chief shall establish written procedures and processes with respect to the use of auxiliaries and volunteers in accordance with Appendix A.
- 4.1.2 The Chief shall develop a policy respecting the appointment process for the appointment of auxiliary members of the Service and recruitment process for use of volunteers by the Police Service.
- 4.1.3 The Chief shall develop a policy respecting the issuance of firearms to auxiliary members in accordance with subsection 91 (7) of the CSPA.
- 4.1.4 No auxiliary member shall be appointed by the Board unless the Chief confirms in his/her report recommending appointment and that the appointment process has been followed by the Service.
- 4.1.5 The appointment of auxiliary members under By-law 254/255-2008 are hereby confirmed and continued.

#### **4.2 SUPERVISION**

- 4.2.1 The Chief shall ensure that auxiliary members and community volunteers are under the direction and supervision of a member of the Police Service.

#### **4.3 TRAINING**

- 4.3.1 The Chief shall ensure that auxiliary members of the Police Service and community volunteers receive training and have the requisite knowledge, skills and abilities to perform these functions prior to deployment.

**5 REPORT TO THE BOARD**

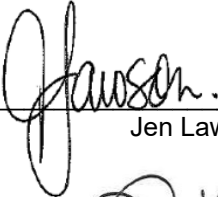
- 5.1.1 The Chief shall make a written report to the Board for any requests or recommendations for appointments and initiation of auxiliary recruiting drives, promotion, demotion, suspension or termination of the appointment of auxiliary members of the Service.
- 5.1.2 The Chief shall make a written report to the Board each year. The report shall include:
  - a. a summary of the written procedures that address the use of auxiliaries/volunteers;
  - b. the status of Service compliance with said procedures;
  - c. confirmation that auxiliary members have been trained in accordance with section 4.3.1;
  - d. generally commenting on the appointment process in respect of auxiliary members;
  - e. confirming the number and rank of auxiliary members and any changes since the date of the last report;
  - f. confirming the work performed by the auxiliary members; and
  - g. an indication of resources used and cost associated with the Niagara Regional Auxiliary Police Service.


**6 IMPLEMENTATION**

- 6.1 By-law No. 254/255-2003, as amended, and all other By-laws, sections of By-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed effective March 31, 2024.
- 6.2 This By-law shall come into force on April 1, 2024.
- 6.3 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 28<sup>th</sup> day of February, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

  
\_\_\_\_\_  
Jen Lawson, Chair

  
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Deb Reid, Executive Director

**Attachments (2)**

## Legislative/Regulatory Requirements

Section 52 of the *Police Services Act* addresses the appointment, authority and restrictions in relation to the use of auxiliaries by police services.

In addition, the Adequacy Standards Regulation makes reference to the use of auxiliaries in the delivery of the police service's community-based crime prevention initiatives, under the direction of a member of the police service.

## Sample Board Policy

Board Policy # \_\_\_\_\_

It is the policy of the \_\_\_\_\_ Police Services Board with respect to the use of auxiliaries that the Chief of Police will:

- a) develop and maintain procedures that address the use of auxiliaries by the police service in accordance with the *Police Services Act* and the Adequacy Standards Regulation; and
- b) ensure that records are maintained relating to the use of auxiliaries.

## Police Service Guidelines

- Procedures*
1. Every police service's procedures should:
    - a) set out the roles and activities of auxiliaries;
    - b) address the selection, supervision and training of auxiliaries;
    - c) address the termination of auxiliaries;
    - d) require, unless authorized under the *Police Services Act*, that an auxiliary shall not perform the duties normally performed by a member of a police service;
    - e) prohibit an auxiliary from operating a marked patrol vehicle, except where the auxiliary is using the vehicle to attend an auxiliary event, a police sponsored function, or in an emergency where an officer, with whom an auxiliary is riding along, requests the auxiliary to drive the vehicle to assist the officer in performing his or her duties, or where the officer is incapacitated and unable to provide direction;
    - f) require that uniforms and insignia for its auxiliaries are distinct from the uniforms of police officers;
    - g) require that an auxiliary not be equipped with a weapon nor use force on another person except in compliance with Regulation 926 on *Equipment and Use of Force*.

2. Nothing in section 1 precludes a police service from using auxiliaries to assist in the delivery of community-based crime prevention initiatives and ground search for lost or missing persons, subject to those individuals being under the supervision of members of the police service.
3. Every Chief of Police should maintain records relating to the use of auxiliaries, including when an auxiliary is authorized under section 52 of the *Police Services Act* to perform police duties, including the nature of the special circumstances and the duration of the authorization.
4. Every Chief of Police should ensure that auxiliaries have the knowledge, skills and abilities required, including knowledge of citizens powers of arrest, the *Canadian Charter of Rights and Freedoms*, note taking procedures, use of communications equipment, use of force and any other internal policies and procedures dealing with the use of auxiliaries.

## Legislative/Regulatory Requirements

The Adequacy Standards Regulation makes reference to the use of volunteers in the delivery of the police service's community-based crime prevention initiatives and ground search for lost or missing persons, under the direction of a member of the police service.

## Sample Board Policy

Board Policy # \_\_\_\_\_

It is the policy of the \_\_\_\_\_ Police Services Board with respect to the use of volunteers that the Chief of Police will:

- a) develop and maintain procedures that address the use of volunteers by the police service in accordance with the Adequacy Standards Regulation, including recruitment, screening, training and supervision; and
- b) ensure that records are maintained relating to the use of volunteers.

## Police Service Guidelines

### *Procedures*

1. Every police service's procedures on the use of volunteers should:
  - a) set out the roles and activities of volunteers that are used by the police service in directly delivering programs or services on behalf of the police service;
  - b) address the recruitment and screening of volunteers, including reference and records checks, as appropriate;
  - c) address the training and ongoing supervision volunteers;
  - d) address the termination of volunteers;
  - e) require that volunteers are not to be used to undertake any functions or activities that must be performed by members of the police service or by police officers under the Adequacy Standards Regulation;
  - f) prohibit a volunteer from operating a marked general patrol vehicle;
  - g) require that volunteers are not to carry or be equipped with weapons;
  - h) require that volunteers, other than chaplains and members of police bands and choirs, are not to be equipped with or wear a police uniform; and
  - i) require that uniforms and insignia for its volunteer members of police bands and choirs are distinct from the uniforms of police officers.
2. Nothing in section 1 precludes a police service from using volunteers in community-based crime prevention and victim's assistance initiatives and ground search for lost or missing persons, subject to those individuals being under the supervision of members of the police service.

3. Every Chief of Police should ensure that records are maintained relating to the use of volunteers by the police service.